

State Water Resources Control Board

Division of Drinking Water

November 19, 2018
System No. 5500089

Mr. Brian Anderluh, Manager
Evergreen Lodge Water System
3 Corte Palos Verdes
Tiburon, CA 94920

**RE: Compliance Order No. 03-11-18R-024 – Gross Alpha Particle Activity and Uranium
Maximum Contaminant Level Violation
For 2018**

Dear Mr. Anderluh:

Enclosed is a Compliance Order issued to the Evergreen Lodge (hereinafter "Water System") public water system.

The Water System will be billed at the State Water Resources Control Board's (hereinafter "State Board") hourly rate for the time spent on issuing this citation. California Health and Safety Code, Section 116577, provides that a public water system must reimburse the State Board for actual costs incurred by the State Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. The Water System will receive a bill sent from the State Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Water System for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued by the Deputy Director of the Division of Drinking Water under Article 8 (commencing with Health and Safety Code, Section 116625) or Article 9 (commencing with Health and Safety Code, Section 116650), of the Safe Drinking Water Act (Chapter 4, Part 12, Division 104, of the Health and Safety Code) may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed compliance order contains the relevant statutory provisions for filing a petition for reconsideration. (Health and Safety Code, Section 116701).

Petitions must be received by the State Board within 30 days of the issuance of the citation, order or decision by the Deputy Director. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

November 19, 2018

If you have any questions regarding this matter, please contact Lourdes Mertens of my staff or me at (559) 447-3300.

Sincerely,



Kassy D. Chauhan, P.E.
Senior Sanitary Engineer, Merced District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

KDC/MLM
Enclosures

Certified Mail No.: 7018 0040 0000 3159 7940

cc: Tuolumne County Environmental Health Department
Mr. Nick Simon, Evergreen Lodge, 33160 Evergreen Road, Groveland, CA 95321

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

IN RE: **EVERGREEN LODGE**
Water System No.: 5500089

TO: Mr. Brian Anderluh, Manager
13 Corte Palos Verdes
Tiburon, CA 94920

CC: Tuolumne County Environmental Health Department
Mr. Nick Simon, Operations Manager, 33160 Evergreen Lodge, Groveland, CA 95321

**COMPLIANCE ORDER FOR VIOLATION
OF CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64442
GROSS ALPHA PARTICLE ACTIVITY AND URANIUM MCL VIOLATION**

Issued on November 19, 2018

The California Health and Safety Code (hereinafter "CHSC"), Section 116655 authorizes the State Water Resources Control Board (hereinafter "State Water Board") to issue a compliance order to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

The State Water Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division, hereby issues Compliance Order No. 03-11-18R-024 (hereinafter "Order") pursuant to Section 116655 of the CHSC to the Evergreen Lodge (hereinafter "System") for violation of CHSC, Section 116555(a)(1) and California Code of

1 Regulations (hereinafter "CCR"), Title 22, Section 64442 Maximum Contaminant Levels
2 (hereinafter "MCL") – Gross Alpha Particle Activity and Uranium.

3
4 A copy of the applicable statutes and regulations are included in Appendix 1, which is attached
5 hereto and incorporated by reference.

6
7 **STATEMENT OF FACTS**

8 The Evergreen Lodge is a nontransient-noncommunity water system with an average population
9 of 100 served through 68 service connections. The System operates under Domestic Water
10 Supply Permit No. 03-11-15P-062 issued by the State Water Board on September 9, 2015. The
11 System utilizes eight (8) groundwater wells as its source of domestic water: Wells Nos. 1, 6, 7,
12 8, 9, 10, 11 and 12. In addition, the System has a new well (Well No. 13) that is currently
13 undergoing initial water quality monitoring.

14
15 CHSC, Section 116555(a)(1) requires all public water systems to comply with primary drinking
16 water standards as defined in CHSC, Section 116275(c). Primary drinking water standards
17 include maximum levels of contaminants and the monitoring and reporting requirements as
18 specified in regulations adopted by the State Water Board that pertain to maximum contaminant
19 levels.

20
21 The State Water Board received laboratory results for gross alpha and uranium collected from
22 Wells Nos. 1, 6, 7, 8, 9, 10, 11 and 12. A summary of the System's most recent gross alpha
23 and uranium monitoring results excluding Well No. 13 are presented in Table 1 below. The
24 sample results and the calculated running annual average (RAA) results of gross alpha particle
25 activity and uranium concentration in pico curies per liter (hereinafter "pci/L") are shown below.

Table 1: Well 1 – Gross Alpha and Uranium Analysis Results and RAA

Source Name	PS Code	Date	Gross Alpha (GA) Result, pci/l	Counting Error (CE)	0.84 x CE ¹	Gross Alpha Particle Activity; GA Result + (0.84 x CE)	Uranium Result (MCL is 20 pci/l)	Gross Alpha Particle Activity excluding Uranium; [GA + (0.84 x CE)] - Uranium; MCL is 15 pci/l
Well 1	5500089-001	5/16/2018	9.22	2.08	1.7	11.0	2.4	8.6
Well 1	5500089-001	8/7/2018	7.83	1.8	1.5	9.3	1.7	7.6
RAA	5500089-001					5.1	1.0	4.0
Well 6	5500089-006	5/16/2018	16.2	2.41	2.0	18.2	5.0	13.2
Well 6	5500089-006	8/7/2018	20.8	2.84	2.4	23.2	5.5	17.7
RAA	5500089-006					10.4	2.6	7.7
Well 7	5500089-007	5/16/2018	24.2	3.32	2.8	27.0	14.5	12.5
Well 7	5500089-007	8/7/2018	21.5	3.08	2.6	24.1	9.9	14.1
RAA	5500089-007					12.8	6.1	6.7
Well 8	5500089-008	5/16/2018	53.5	4.39	3.7	57.2	21.7	35.5
Well 8	5500089-008	8/7/2018	24.9	4.71	4.0	28.9	5.7	23.2
RAA	5500089-008					21.5	1.0	14.7
Well 9	5500089-009	5/16/2018	121	7.34	6.2	127.2	56.0	71.2
Well 9	5500089-009	8/7/2018	70.1	4.19	3.5	73.6	33.9	39.7
RAA	5500089-009					50.2	22.5	27.7
Well 10	5500089-010	5/16/2018	13.9	2.38	2.0	15.9	6.5	9.4
Well 10	5500089-010	8/7/2018	15	2.52	2.1	17.1	5.4	11.8
RAA	5500089-010					8.3	3.0	5.3
Well 11	5500089-011	5/16/2018	251	10.9	9.2	260.2	145.3	114.9
Well 11	5500089-011	8/7/2018	247	10.5	8.8	255.8	157.0	98.8
RAA	5500089-011					129.0	75.6	53.4
Well 12	5500089-012	1/16/2018	57.3	4.4	3.7	61.0	10.0	51.0
Well 12	5500089-012	3/18/2018	28.3	3.08	2.6	30.9	5.6	25.3
Well 12	5500089-012	6/20/2018	126	7	5.9	131.9	68.7	63.2
Well 12	5500089-012	8/7/2018	73	8.12	6.8	79.8	17.4	62.4
RAA	5500089-012					75.9	25.4	50.5

0.84 x CE¹ - is the 95 % one-tailed confidence interval for counting error (1.65/1.96 = 0.84)

In the third quarter of 2018, Wells Nos. 9, 11 and 12 are all showing running annual averages (RAAs) that have exceeded the gross alpha particle activity MCL and uranium MCL.

Notification to the public of the gross alpha particle activity and uranium violation was not yet been performed by the System in conformance with CCR, Title 22, Sections 64463.4(b) and (c) and 64465.

The System is in the process of securing a treatment system for removal of the gross alpha particle activity and uranium.

DETERMINATIONS

CCR Title 22, California Code of Regulations (CCR) Section 64442 – MCLs and Monitoring - Gross Alpha Particle Activity, Radium 226, Radium 228, and Uranium states that community and nontransient-noncommunity water systems shall comply with the primary MCLs established in Table 64442 below.

**Table 64442
Radionuclide Maximum Contaminant Levels (MCLs)
and Detection Levels for Purposes of Reporting (DLRs)**

<i>Radionuclide</i>	<i>MCL</i>	<i>DLR</i>
Radium-226	5 pCi/L (combined radium-226 & -228)	1 pCi/L
Radium-228		1 pCi/L
Gross Alpha particle activity (excluding radon and uranium)	15 pCi/L	3 pCi/L
Uranium	20 pCi/L	1 pCi/L

Furthermore, Section 64442 (b) and (f) states that nontransient-noncommunity water systems shall not be required to monitor for radium 228 as a separate analyte but shall monitor for compliance with the combined radium MCL as prescribed in EPA method 903.0. With the addition of the 95 % confidence interval, a gross alpha particle activity measurement may be substituted for radium measurement if the result obtained from subtracting the uranium measurement from the gross alpha measurement does not exceed 5 pci/l.

1 As shown in Table 1, Wells Nos. 9, 11 and 12 are all showing running annual averages (RAAs)
2 that have exceeded the gross alpha particle activity MCL and uranium MCL in the third quarter
3 of 2018. The gross alpha particle activity from Wells Nos. 9, 11 and 12 showed results ranging
4 from 27.7 and 53.4 pci/l which exceed the established MCL of 15 pci/l. For uranium, Wells Nos.
5 9, 11 and 12 showed results ranging 22.5 to 75.6 pci/l which exceed the established MCL of 20
6 pci/l. Therefore, the State Water Board has determined that the System has failed to comply
7 with primary drinking water standards pursuant to CHSC, Section 116555(a)(1) and the gross
8 alpha particle activity and uranium MCL pursuant to CCR, Title 22, Section 64442 during **2018**.
9

10
11 A review of the State database showed no total radium samples were submitted for Wells Nos.
12 6, 7, 8, 9, 11 and 12. The gross particle activity measurements for Wells Nos. 9, 11 and 12
13 exceeded 5 pci/l, therefore, gross particle activity measurement substitution for total radium
14 monitoring is not allowed. The System shall monitor Wells Nos. 6, 7, 8, 9, 11 and 12 for total
15 radium.
16

17 *Furthermore, this Order will extend to Wells Nos. 1, 6, 7, 8, 10 and 13 in the event that a*
18 *compliance determination is made by the State Water Board that Wells Nos. 1, 6, 7, 8, 10 and*
19 *13 fail to comply with primary drinking water standards pursuant to CHSC, Section 116555(a)(1)*
20 *and the gross alpha particle activity and uranium MCL pursuant to CCR, Title 22, Section*
21 *64442.*

22 DIRECTIVES

23 To ensure that the water supplied by the Evergreen Lodge water system is at all times safe,
24 wholesome, healthful, and potable, and pursuant to the California SDWA H&S Code, the
25 Evergreen Lodge Water System is hereby directed to take the following actions:
26
27

1. On or before **November 30, 2021**, comply with CCR, Title 22, Section 64442.
2. **Quarterly** sampling for gross alpha and uranium from **Wells Nos. 9, 11 and 12** shall continue in the **fourth quarter of 2018** and shall continue every three months thereafter. The System shall ensure that the laboratory, which conducts the analysis, submits the analytical results electronically by State Water Board approved method no later than the 10th day following the month in which the analysis was completed.
3. **Quarterly** sampling for **total radium** from **Wells Nos. 6, 7, 8, 9, 11 and 12**, shall beginning in the **fourth quarter of 2018** and continue until **four quarters** of monitoring have been completed or a compliance determination is made by the State Water Board that the total radium is in violation.
4. **Quarterly** sampling for **gross alpha and uranium** from **Well No. 1, 6, 7, 8 and 10** shall continue until four quarters of monitoring have been completed or a compliance determination is made by the State Water Board that the gross alpha particle activity and uranium MCL is in violation.
5. **Quarterly** sampling for **gross alpha, uranium and total radium** from the new well, **Well No. 13**, shall beginning in the **fourth quarter of 2018** and continue until four quarters of monitoring have been completed or a compliance determination is made by the State Water Board that the gross alpha particle activity, uranium and total radium is in violation.
6. By **December 10, 2018**, public notification to the customers of the System shall be conducted and shall continue every three months until the State Water Board determines that the gross alpha particle activity and uranium contamination is resolved. Public Notification shall be conducted in conformance with CCR, Title 22, Sections 64463.4 and

64465. Appendix 2: Notification Template shall be used to fulfill this directive, unless otherwise approved by the State Water Board.

7. Complete Appendix 3: Certification of Completion of Notification Form. Submit it together with a copy of the public notification conducted in compliance with the public notification requirement listed above to the State Water Board within 10 days following each notification.
8. Prepare for State Water Board approval, a Corrective Action Plan, identifying improvements to the water system designed to correct the water quality problems identified as an exceedance of the gross alpha particle activity and uranium MCL and ensure that the System delivers water to consumers that meets primary drinking water standards. The plan shall include a time schedule for completion of each of the phases of the project such as design, construction, and startup, and a date as of which the City will be in compliance with the gross alpha particle activity and uranium MCL, which date shall be no later than **November 30, 2021**.
9. On or before **March 31, 2019**, submit and present the Corrective Action Plan required under Directive No. 8 above, to the State Water Board's office located at 265 W. Bullard Avenue, Suite 101, Fresno, CA 93704.
10. Perform the State Water Board approved Corrective Action Plan, and each and every element of said plan, according to the time schedule set forth therein.

1 11. On or before **May 30, 2019**, and every three months thereafter, submit a report to the State
2 Water Board in the form provided as Appendix 4 showing actions taken during the previous
3 quarter (calendar three months) to comply with the Corrective Action Plan.

4
5 12. This Order and its directives shall become effective for **Wells Nos. 1, 6, 7, 8, 10 and 13** in
6 the event that the State Water Board determines that **Wells Nos. 1, 6, 7, 8, 10 and 13** are in
7 violation of the gross alpha particle activity, total radium and uranium MCL. The System
8 should take into account that the likelihood of this occurring is highly possible and include
9 **Wells Nos. 1, 6, 7, 8, 10 and 13** in the Corrective Action Plan with an appropriate timeline.

10
11 13. Not later than ten (10) days following **November 30, 2021**, demonstrate to the State Water
12 Board that the water delivered by the System complies with the gross alpha particle activity
13 and uranium MCL.

14
15 14. Notify the State Water Board in writing no later than five (5) days prior to the deadline for
16 performance of any Directive set forth herein if the System anticipates it will not timely meet
17 such performance deadline.

18
19
20 15. By **December 31, 2018**, complete and return to the State Water Board the "Notification of
21 Receipt" form attached to this Order as Appendix 5. Completion of this form confirms that
22 the City has received this Order and understands that it contains legally enforceable
23 directives with due dates.

24
25 **PARTIES BOUND**

26 This Order shall apply to and be binding upon the Evergreen Lodge Water System, its officers,
27 directors, agents, employees, contractors, successors, and assignees.

1
2 **SEVERABILITY**

3 The requirements of this Order are severable, and the Evergreen Lodge Water System, shall
4 comply with each and every provision thereof notwithstanding the effectiveness of any
5 provisions.
6

7 **FURTHER ENFORCEMENT ACTION**

8 The California SDWA authorizes the Division to issue citations and compliance orders with
9 assessment of administrative penalties to a public water system for violation or continued
10 violation of the requirements of the California SDWA or any permit, regulation, permit or order
11 issued or adopted thereunder including, but not limited to, failure to correct a violation identified
12 in a citation or compliance order. The California SDWA also authorizes the Division to take
13 action to suspend or revoke a permit that has been issued to a public water system if the
14 system has violated applicable law or regulations or has failed to comply with an order of the
15 Division; and to petition the superior court to take various enforcement measures against a
16 public water system that has failed to comply with an order of the Division. The Division does
17 not waive any further enforcement action by issuance of this compliance order.
18
19
20

21 11-19-2018
Date



22 Carl L. Carlucci
Carl L. Carlucci, P.E.
Supervising Sanitary Engineer
State Water Resources Control Board
Southern California Branch
Drinking Water Field Operations
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24
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26
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Certified No.: 7018 0040 0000 3159 7940

CLC/KDC/mlm

Appendices (4):

Appendix 1: Applicable Authorities

Appendix 2: Public Notification Notice

Appendix 3: Proof of Notification Form

Appendix 4: Quarterly Progress Report Form

**APPENDIX 1. Applicable Statutes and Regulations for
Citation No. 03-11-17R-002
Uranium Maximum Contaminant Level Violation**

NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

California Health and Safety Code (CHSC):

Section 116271 states in relevant part:

- (a) The State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:
- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
 - (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
 - (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
 - (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
 - (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
 - (6) Chapter 7 (commencing with Section 116975).
 - (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
 - (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
 - (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
 - (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
 - (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
 - (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).
- (b) The State Water Resources Control Board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the State Water Resources Control Board shall refer to the State Water Resources Control Board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...
- (k)
- (1) The State Water Resources Control Board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.
 - (2) The deputy director is delegated the State Water Resources Control Board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken, but are not subject to reconsideration, by the State Water Resources Control Board. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the State Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties.

Section 116555 states in relevant part:

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
- (1) Complies with primary and secondary drinking water standards.
 - (2) Will not be subject to backflow under normal operating conditions.
 - (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Section 116625 (Revocation and suspension of permits) states:

- (a) The department, after a hearing noticed and conducted as provided in Section 100171, may suspend or revoke any permit issued pursuant to this chapter if the department determines pursuant to the hearing that the permittee is not complying with the permit, this chapter, or any regulation, standard, or order issued or adopted thereunder, or that the permittee has made a false statement or representation on any application, record, or report maintained or submitted for purposes of compliance with this chapter. If the permit at issue has been temporarily suspended pursuant to subdivision (c), the accusation shall be served and notice of the hearing date given within 15 days of the effective date of the temporary suspension order. The commencement of the hearing shall be as soon as practicable, but in no case later than 60 days after the effective date of the temporary suspension order.

(b) The permittee may file with the superior court a petition for a writ of mandate for review of any decision of the department made pursuant to subdivision (a). Failure to file a petition shall not preclude a party from challenging the reasonableness or validity of a decision of the department in any judicial proceeding to enforce the decision or from pursuing any remedy authorized by this chapter.

(c) The department may temporarily suspend any permit issued pursuant to this chapter prior to any hearing when the action is necessary to prevent an imminent or substantial danger to health. The director shall notify the permittee of the temporary suspension and the effective date thereof and, at the same time, notify the permittee that a hearing has been scheduled. The hearing shall be held as soon as possible, but not later than 15 days after the effective date of the temporary suspension and shall deal only with the issue of whether the temporary suspension shall remain in place pending a hearing on the merits. The temporary suspension shall remain in effect until the hearing is completed and the director has made a final determination on the temporary suspension, that in any event shall be made within 15 days after the completion of the hearing. If the determination is not transmitted within 15 days after the hearing is completed, the temporary suspension shall be of no further effect. Dissolution of the temporary suspension does not deprive the department of jurisdiction to proceed with a hearing on the merits under subdivision (a).

Section 116650 states in relevant part:

(a) If the State Board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the State Board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The State Board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

Section 116701 (Petitions to Orders and Decisions) states:

(a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.

(b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.

(c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.

(d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.

(e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.

(f) If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.

California Code of Regulations, Title 22 (CCR):

Article 5. Radioactivity

§64442. MCLs and Monitoring - Gross Alpha Particle Activity, Radium-226, Radium-228, and Uranium

(a) Each community and nontransient-noncommunity water system (system) shall comply with the primary MCLs in Table 64442 in the drinking water supplied to the public and use the DLRs for reporting monitoring results:

Table 64442 -Radionuclide Maximum Contaminant Levels (MCLs) and Detection Levels for Purposes of Reporting (DLRs)

<i>Radionuclide</i>	<i>MCL</i>	<i>DLR</i>
Radium-226	5 pCi/L (combined radium-226 & -228)	1 pCi/L
Radium-228		1 pCi/L
Gross Alpha particle activity (excluding radon and uranium)	15 pCi/L	3 pCi/L
Uranium	20 pCi/L	1 pCi/L

(b) Each system shall monitor to determine compliance with the MCLs in table 64442, as follows:

(1) Monitor at each water source, or every entry point to the distribution system that is representative of all sources being used under normal operating conditions; conduct all monitoring at the same sample site(s) unless a change is approved by the State Board, based on a review of the system and its historical water quality data;

(2) For quarterly monitoring, monitor during the same month (first, second or third) of each quarter during each quarter monitored;

(3) By December 31, 2007, complete initial monitoring that consists of four consecutive quarterly samples at each sampling site for each radionuclide in table 64442, except that nontransient-noncommunity water systems shall not be required to monitor radium-228 as a separate analyte, but shall monitor for compliance with the combined radium MCL using the analytical method described in Prescribed Procedures for Measurement of Radioactivity in Drinking Water, Section 6, Alpha-emitting Radium Isotopes in Drinking Water, Method 903.0 (EPA/600/4-80-032, August 1980):

(A) Data collected for a sampling site between January 1, 2001, and December 31, 2004, may be used to satisfy the initial monitoring requirement, subject to the State Board's approval based on whether the analytical methods, DLRs, sampling sites, and the frequency of monitoring used were consistent with this article.

(B) For gross alpha particle activity, uranium, radium-226 and radium-228, the State Board may waive the final two quarters of initial monitoring at a sampling site if the results from the previous two quarters are below the DLR(s) and the sources are not known to be vulnerable to contamination.

(c) Any new system or new source for an existing system shall begin monitoring pursuant to Subsection (b) within the first quarter after initiating water service to the public.

(d) After initial monitoring, each system shall monitor for each radionuclide at each sampling site at a frequency determined by the monitoring result(s) [single sample result or average of sample results if more than one sample collected] from the most recent compliance period as follows:

(1) For nontransient-noncommunity water systems, the results for the total radium analyses shall be averaged.

(2) For community water systems, the results of radium-226 and radium-228 analyses shall be added and the average calculated.

(3) The values used for the radionuclide MCLs and DLRs shall be as specified in Table 64442.

(4) If the single sample result or average is:

A. Below the DLR, the system shall collect and analyze at least one sample every nine years (3 compliance periods).

B. At or above the DLR, but at or below $\frac{1}{2}$ the MCL, the system shall collect and analyze at least one sample every six years.

C. Above $\frac{1}{2}$ the MCL, but not above the MCL, the system shall collect and analyze at least one sample every three years.

(e) A system that monitors quarterly may composite up to four consecutive samples from a single sampling site if analysis is done within a year of the first sample's collection. If the result of the composited sample is greater than $\frac{1}{2}$ the MCL, at least one additional quarterly sample shall be analyzed to evaluate the range and trend of results over time before allowing the system to reduce the monitoring frequency.

(f) A gross alpha particle activity measurement may be substituted for other measurements by adding the 95% confidence interval (1.65σ , where σ is the standard deviation of the net counting rate of the sample) to it; and if,

(1) For uranium and radium measurements (after initial radium-228 monitoring has been completed), the gross alpha measurement does not exceed 5 pCi/L; or

(2) For radium measurements (after initial radium-228 monitoring has been completed), the result obtained from subtracting the uranium measurement from the gross alpha measurement does not exceed 5 pCi/L.

(g) If any sample result is greater than an MCL:

(1) For a system monitoring less than quarterly, quarterly samples shall be collected and analyzed to determine compliance, pursuant to subsection (h);

(2) For a system that already has four consecutive quarterly results, compliance shall be determined pursuant to subsection (h).

(3) The system shall monitor quarterly until the results of four consecutive quarterly sample results do not exceed the MCL.

(h) A system with one or more sample results greater than an MCL shall determine compliance with the MCL as follows:

(1) At each sampling site, based on the analytical results for that site. Any confirmation sample result shall be averaged with the initial result.

(2) Using all monitoring results collected under this section during the previous 12 months, even if more than the minimum required number of samples was collected.

(3) By a running annual average of four consecutive quarters of sampling results. Averages shall be rounded to the same number of significant figures as the MCL for which compliance is being determined.

(A) If any sample result will cause the annual average at any sample site to exceed the MCL, the system shall be out of compliance immediately upon receiving the result;

(B) If a system has not analyzed the required number of samples, compliance shall be determined by the average of the samples collected at the site during the most recent 12 months; and

(C) If a sample result is less than the DLR in table 64442, zero shall be used to calculate the annual average, unless a gross alpha particle activity is being used in lieu of radium-226, total radium, and/or uranium. In that case, if the gross alpha particle activity result is less than the DLR, $\frac{1}{2}$ the DLR shall be used to calculate the annual average.

(4) If compositing is allowed at a sampling site, by the results of a composite of four consecutive quarterly samples.

(5) If the system can provide documentation that a sample was subject to sampling or analytical errors, the State Board may invalidate the result based on its review of the documentation, the sampling result, and the historical sampling data.

(6) Each system shall ensure that the laboratory analyzing its samples collected for compliance with this article calculates and reports the sample-specific Minimum Detectable Activity at the 95% confidence level (MDA_{95}) along with the sample results. The MDA_{95} shall not exceed the DLR and shall be calculated as described in ANSI N42.23 Measurement and Associated Instrumentation Quality Assurance for Radiobioassay Laboratories, Appendix A.7.6 (September 10, 1995).

Instructions for Tier 2 Chemical or Radiological MCLs Notice Template

Template Attached

Since exceeding chemical or radiological maximum contaminant levels (MCLs) is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.4(c)(1)]	Mail or direct delivery ^(a)	Publication in a local newspaper
		Posting in conspicuous public places served by the water system or on the Internet ^(b)
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system ^(b)	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting on the Internet or intranet ^(b)
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water

system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system, but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Corrective Action

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with chemical or radiological violations. Use one or more of the following actions, if appropriate, or develop your own:

- "We are working with [local/state agency] to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove [contaminant] or connecting to [system]'s water supply."
- "We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well."
- "We will increase the frequency at which we test the water for [contaminant]."
- "We have since taken samples at this location and had them tested. They show that we meet the standards."

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the DDW sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a "problem corrected" notice when the violation is resolved.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

Evergreen Lodge Has Levels of Gross Alpha and Uranium Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Water sample results received on _____ showed Gross Alpha levels of _____ pci/l and Uranium levels of _____ pci/l. This is above the standard, or maximum contaminant level (MCL), 15 pci/l for gross Alpha particle activity and 20 pci/l for uranium

What should I do?

- You do not need to use an alternative water supply (e.g., bottled water).
- This is not an immediate risk. If it had been, you would have been notified immediately. However, Some people who drink water containing gross alpha and uranium in excess of the MCL over many years may have kidney problems or an increased risk of getting cancer. If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

We anticipate resolving the problem within _____.

For more information, please contact _____ at phone number _____.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by Evergreen Lodge.

State Water System ID#: 5500089. Date distributed: _____.

Certification of Completion of Public Notification

This form, when completed and returned to the Division of Drinking Water - Merced District (265 W. Bullard Ave. #101, Fresno, CA 93704 or fax to 559-447-3304), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public Water System Name: _____

Public Water System No.: _____

Public notification for **failure to comply with the Gross Alpha and Uranium MCL for the quarter of 20** was performed by the following method(s) (check and complete those that apply):

The notice was published in conspicuous places on: _____

A copy of the notice is attached.

A list of locations the notice was posted is attached.

I hereby certify that the above information is factual.

Printed Name

Title

Signature

Date

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation each day that the violation continues. In addition, the violators may be prosecuted in criminal court and, upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Due to the Division of Drinking Water within 10 days of issuance of notice to customers
System Number: 5500089
Enforcement Action No. 03-11-18R-024

Quarterly Progress Report

Water System: Evergreen Lodge	Water System No.: 5500089
Compliance Order No.: 03-11-18R-024	Violation: Gross Alpha & Uranium MCL
Calendar Quarter:	Date Prepared:

This form should be prepared and signed by Water System personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division of Drinking Water, Merced District Office.

Summary of Compliance Plan:

Tasks completed in the reporting quarter:

Tasks remaining to complete:

Anticipate compliance date:

Name

Signature

Title

Date